

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

E.T. a minor, through her father M.T,

Petitioner,

v.

SUE ALBERTI,

Respondents.

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Civil Action No. 3:16-CV-1212

(Judge Kosik)

ORDER

AND NOW, THIS 28th DAY OF JULY, 2016, IT APPEARING TO THE COURT THAT:

[1] On June 20, 2016, Petitioner filed a Petition for Writ of Habeas Corpus (Doc. 1);

[2] The action was referred to Magistrate Judge Susan E. Schwab;

[3] On June 22, 2016, the Magistrate Judge issued an order to show cause and directed Respondents to file an answer to the petition (Doc. 2);

[4] On June 23, 2016, the Magistrate Judge issued a Report and Recommendation (Doc. 3), recommending that the regular civil claims in this case be dismissed without prejudice to the Petitioner filing them in a separate civil action;

[5] Respondents have answered the Complaint, but do not object to the Magistrate Judge's recommendation;

AND, IT FURTHER APPEARING THAT:

[6] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district

court is to give “reasoned consideration” to a magistrate judge’s report prior to adopting it.

Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[7] We have considered the Magistrate Judge’s report, and we concur with her recommendation.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Susan E. Schwab, dated June 23, 2016 (Doc. 3) is **ADOPTED**;

[2] Petitioner’s civil claims in this case are **DISMISSED WITHOUT PREJUDICE**; and,

[3] The Clerk of Court is directed to **REMAND** this case to the Magistrate Judge for further proceedings consistent with this Order.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge